



41

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Shingo SUZUKI

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Group Art Unit: 2674

Application No.: 09/642,642

OCT 25 2004

Examiner: K. Nguyen

Filed: August 22, 2000

Technology Center 2600

Docket No.: 107100

For: SPREAD ILLUMINATING APPARATUS WITH TRANSPARENT SUBSTRATE
HAVING GROOVE PORTIONS OBLIQUELY ARRANGED AND INTERSECTING
ONE ANOTHER

REQUEST FOR RECONSIDERATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the August 11, 2004 Office Action, reconsideration of the rejection is respectfully requested in light of the following remarks.

Claims 2 and 9-14 are pending.

I. Rejection Under 35 U.S.C. §103(a)

The Office Action rejects claims 2 and 9-14 under 35 U.S.C. §103(a) over U.S. Patent No. 5,764,315 to Yokota et al. ("Yokota") in view of U.S. Patent No. 6,295,104 to Egawa et al. ("Egawa"). Applicant respectfully traverses the rejection.

Egawa cannot be used to support a rejection under 35 U.S.C. §103(a). Egawa is only available as prior art under 35 U.S.C. §102(e). Thus, under 35 U.S.C. §103(c), Egawa is disqualified as prior art against the present application because the subject matter of Egawa and the present application "were at the time the invention was made, owned by the same person and subject to an obligation of an assignment to the same person."

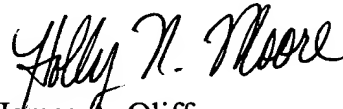
Egawa was filed on May 24, 1999 and patented on September 25, 2001. The present application was filed on August 22, 2000. Therefore, the rejection is improper. Accordingly, withdrawal of the rejection is respectfully requested.

II. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 2 and 9-14 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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JAO:HNM/kzb

Date: October 21, 2004

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